

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE THE REPUBLIC OF ECUADOR,

No. C-10-80225 MISC CRB (EMC)

Applicant,

**ORDER RE LETTERS OF MARCH 2,
2011 AND MARCH 3, 2011**

For the Issuance of a Subpoena for the Taking
of a Deposition and the Production of
Documents in a Foreign Proceeding Pursuant
to 28 U.S.C. § 1782.

(Docket Nos. 94-96)

RELATED CASE

IN RE THE APPLICATION OF:

No. C-10-80324 MISC CRB (EMC)

Daniel Carlos Lusitand Yaiguaje, *et al.*,

Applicants,

v.

For the issuance of Subpoenas for the Taking
of Depositions and the Production of
Documents in a Foreign Proceeding Pursuant
to 28 U.S.C. § 1782.

The Court has received Republic of Ecuador's ("ROE") letters of March 2 and 3, 2011 and
Chevron's letter of March 3, 2011. Good cause appearing therefor, the Court orders as follows.


Chevron's belated assertion of privilege in respect to documents subpoenaed from Mr.
Borja's by ROE (the chronology of which is stated in ROE's letter at pp. 2-3) raises serious
questions as to whether Chevron has waived any attorney work product privilege therein. However,
that issue need not be presently resolved. As with the case with Mr. Borja, the issue as to Chevron's

1 privilege shall be preserved pursuant to Federal Rule of Evidence 502(d). Thus, Mr. Borja's
2 production shall proceed forthwith. As to any continuing efforts to resolve any remaining disputes
3 regarding Mr. Borja's production, those negotiations shall take place between counsel for Mr. Borja
4 and ROE only. Because Chevron's rights are adequately protected by the Rule 502 order herein,
5 and because of the untimeliness of its entry into this dispute, Chevron shall not seek to prevent or
6 exercise any veto over the production of any document by Mr. Borja in connection with his response
7 to the subpoena and compliance with the prior orders of this Court.

8 This order disposes of Docket Nos. 94, 95 and 96.

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10 IT IS SO ORDERED.

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12 Dated: March 4, 2011

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14 EDWARD M. CHEN
15 United States Magistrate Judge
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